IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.2063 of 2002

Shri Krishna Appa Dhaytonde.. Petitioner

vs

Shri Raosaheb Ganpat Bharane & ors..Respondents

Mr Sanjay Kshirsagar for petitioner

Mr Milind Deshmukh for respondent no lb

CORAM: S.U.KAMDAR J.

Dated 16.l2.2005

P.C:

. The present petition challenges the order passed by the Maharashtra Revenue Tribunal dated 8.6.200l. The petitioner is claiming to be tenant of the property in question and he has also executed a lease dated 2.7.l965. The petitioner's case before the lower court was that he has exercised his right under section 32(O) of the Bombay Tenancy and Agricultural Lands Act within the prescribed period of one year from the date of lease. However, the finding given by the lower court is that he has failed to prove that he has exercised any such

right within the prescribed time. The proceedings has thereafter commenced by virtue of the notice given by the respondent no.l on 29.l.l993 seeking to take possession of the suit property. The only point raised by the learned counsel for the petitioner that exercise of the power seeking possession of the property after a long period in l993 is illegal and cannot be granted. He has relied upon in support of his aforesaid contention a judgement of the Supreme Court in Mohamad Kavi Mohamad Amin vs. Fatmabai Ibrahim, (l997) 6 SCC 7l and has contended that such power has to be exercised within a reasonable time. Firstly the judgement of the Apex Court has no application to the present case. The Apex Court was deciding a case where the suo moto power was exercised by Mamlatdar and has come to the conclusion that the revisional power has to be exercised within a reasonable time. In any event in respect of the dispute before me there is no time limit prescribed under the statute to seek possession of the property and thus submission of the petitioner has no substance. I do not find any infirmity with the order passed by the trial court. Petition is dismissed with no order as to costs.